



GP 3634
9/25

PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jerry E. Mann

#16

Serial No.: 08/843,162

Group Art Unit: 3634

Filed: April 11, 1997

Examiner: Chin Shue, A

Attorney Docket No.: 515-001

For: PORTABLE TREESTAND WITH A RECLINING
AND RETRACTABLE SEAT

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

RECEIVED
MAY 25 2000
TC 3600 MAIL ROOM

RESPONSE TO RESTRICTION REQUIREMENT

1 SIR:

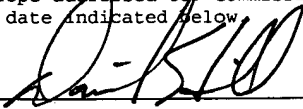
2 In response to the restriction requirement set forth
3 in the Office Action dated April 17, 2000, Applicant hereby
4 provisionally elects, with traverse, Claims 33-36, 39-52
5 and 54-63 for examination as relating to species of the
6 claimed invention including the means for attaching shown
7 in Figs. 1, 8, 9, 12, and 17.

8 In the April 17, 2000, Office Action, the Examiner has
9 required election of Claims relating to either the frame

~~CERTIFICATE UNDER 37 C.F.R. § 1.8(a)~~
~~I hereby certify that this correspondence is being deposited with the United States Postal Service~~
~~as first class mail in an envelope addressed to Commissioner of Patents and Trademarks,~~
~~Washington, D.C. 20231 on the date indicated below.~~

David M. Hill

(Name)


(Signature)

46,170

(Reg. No.)

5/17/00

(Date)

1 affixing means as shown in Fig. 4/Fig. 22, or the attaching
2 means depicted in Figs. 1, 8, 9, 12, and 17, stating that
3 the affixing means and the attaching means are "patentably
4 distinct species of the claimed invention."


5 The Commissioner may require restriction if two or
6 more *independent and distinct* inventions are claimed in one
7 application (35 U.S.C. §121). In the present case,
8 however, the claimed subject matter outlines and claims
9 several alternative embodiments for constructing the
10 invention, and these different embodiments are not
11 patentably distinct. In particular, the applicant submits
12 that the means for affixing the frame and the means of
13 attaching the seat to the frame are not patentably distinct
14 species of the current invention, as they are merely
15 alternative embodiments for its construction. Applicant's
16 invention is for a novel tree stand recliner seat, which
17 includes a frame for attachment to a tree stand. Applicant
18 submits that the specific means by which the seat is
19 attached to the frame is not patentably distinct from the
20 specific means by which the frame is attached to the stand
21 -- these are merely alternative ways to construct the
22 present invention.

23 If the Examiner is aware of another way to make a tree

1 stand recliner seat as claimed, which is materially
2 different from those set forth in Claims 33-36, 39-52 and
3 54-63, applicant respectfully requests the Examiner to
4 substantiate his position in greater detail. Otherwise, it
5 is respectfully requested that the restriction requirement
6 be withdrawn, and each of Claims 33-64 presently pending in
7 this application be examined. Early and favorable action
8 is requested.

Respectfully submitted,

Date: May 17, 2000



David M. Hill
Reg. No. 46,170
Ward & Olivo
708 Third Avenue
New York, NY 10017
(212) 697-6262